



TITLE 21

Motor Vehicles

Registration, Title and Licenses

CHAPTER 27. DRIVER'S LICENSE

Subchapter I. General Provisions

§ 2710. Issuance of a Level 1 Learner's Permit and Class D operator's license to persons under 18 years of age.

(a) The Division, upon receiving from any person over the age of 16 years, an application for a Level 1 Learner's Permit, together with the fee required by law, may, in its discretion, issue such a permit entitling the applicant, with such a permit in the applicant's immediate possession, to drive a motor vehicle upon the highways of this State provided they meet all requirements for the permit. Eye screening and medical examinations will be required in accordance with Division policies.

The Division may issue a distinctively designed Level 1 Learner's Permit document or issue the permit holder a Class D license encased in a packet which explains the driver's limited driving privileges. If the permit holder completes the 12-month driving experience and the sponsor does not withdraw their endorsement, the Division will notify the permit holder by mail that the permit holder is eligible for a Class D license. The time used to compute the 12 months of driving experience shall not include any period of time when the permit holder's driving privileges were suspended, revoked, canceled, denied or surrendered.

(b) Level 1 Learner's Permit. -- A person who is at least 16 years old but less than 18 years old may obtain a Level 1 Learners Permit if the person has:

(1) Successfully completed a course in driver education in a public or private high school in this State, which has been approved by the Department of Education and meets the standards for such courses described by that Department. If the applicant has completed a course of instruction in driver education in a public or private high school outside this State, the applicant must produce a certified copy of that applicant's high school transcript evidencing the completion of the driver education course;

(2) Passed a written test and road skills test administered by the Division or administered by a driver education teacher. Students who require specialized evaluation, training or equipment to operate a motor vehicle because of a physical or mental disability will be identified by the driver education teacher and tested by the Division;

(3) Been certified by the driver education teacher as qualified for licensing; and

(4) Submitted an application signed by a sponsor as required by subsection (e) of this section.

(c) Restrictions pertaining to the Level 1 Learner's Permit. -- A learner's permit authorizes the permit holder to drive the specified type or class of motor vehicles as those defined under § 2702(d)(1) of this title for 12 months only under the conditions listed below. If the learner's permit expires, the applicant will pay the appropriate fees and pass a written and road skills examination conducted by the Division.

(1) The Level 1 Learners Permit must be in possession of the permit holder.

(2) When the permit holder is under mandatory supervision, the permit holder must be supervised by a properly licensed parent, guardian or a licensed driver at least 25 years of age who has held a Class D license for at least 5 years. The supervising driver must be seated beside the permit holder in the front seat of the vehicle when it is in motion. No person other than the supervising driver can be in the front seat.

(3) For the first 6 months after issuance, the permit holder may only drive supervised. In order for the permit holder to be able to drive unsupervised as called for in paragraph (c)(4) of this section, a parent or guardian shall certify that the permit holder has completed 50 hours of driving time, which shall include 10 hours of nighttime driving. This certification form shall be developed by the Division of Motor Vehicles, Department of Education and Department of Highway Safety and shall be signed by the parent or guardian and submitted to a Department of Education approved program at the end of this 6 month period.

(4) After the first 6 months from issuance, the permit holder may drive unsupervised between the hours of 6:00 a.m. and 10:00 p.m. Such a permit holder may drive only with supervision from 10:00 p.m. to 6:00 a.m. with the exception of times when the permit holder is traveling to and from church activities, work activities and the permit holder's school. For purposes of this section, the term "school" shall not include school-related activities that do not take place on school property.

(5) No passengers other than the adult supervisor and 1 or fewer other passengers can be in the vehicle during the first 12 months. However, the passenger restrictions of this paragraph shall not apply to immediate members of the driver's family provided the adult supervisor is in the car. During the second 6 month period of unsupervised driving, when a supervisor is not present, only 1 other passenger in addition to the driver can be in the vehicle.

(6) The restrictions of paragraph (c)(4) of this section shall not apply to those individuals who are Delaware volunteer fire fighters and ambulance attendants as long as they have permission from their fire chief or ambulance captain in writing with the permit referenced in paragraph (c)(1) of this section and are returning home from their company stations or place of education or training relating to their respective duties for the sole purpose of either an emergency response, an official fire or ambulatory meeting, or education or training relating to said duties.

(7) The permit holder and all passengers, under the age of 18, in the vehicle must wear a seat belt or be secured in a child safety seat or booster seat as required by § 4802 or § 4803 of this title when the vehicle is in motion.

(8) The permit holder shall not operate a motor vehicle while using a cellular telephone, text messenger, or substantially similar electronic device. This paragraph shall not apply if the permit holder has stopped the vehicle at a location off of the lanes of travel. Any permit holder found to be in violation of this paragraph is deemed to be operating the vehicle in a negligent manner and is subject to the penalties set forth in subsection (j) of this section.

(d) Class D license qualifications. -- A person who is at least 17 years old but less than 18 years old may obtain a Class D operator's license if the person meets the following requirements:

(1) The person has held a Level 1 Learner's Permit issued by the Division for at least 12 months; and

(2) The person has an application signed by a sponsor as specified in subsection (e) of this section. The sponsor's signature on the Level 1 Learner's Permit application authorizes the minor to obtain the Class D operator's license when eligible unless the sponsor withdraws, in writing, their authorization for any such license or permit.

(e) The Division shall not grant the application of any minor between the ages of 16 years and 18 years for a operator's license or Level 1 Learner's Permit unless such application is signed both by the applicant and a sponsor who is the applicant's parent, guardian, Division of Family Services case worker or court-ordered custodian who resides in this State.

(1) Nevertheless, if the applicant has no parent, guardian, Division of Family Services case worker or court-ordered custodian residing in the State to act as the applicant's sponsor, another responsible adult person acceptable to the Secretary of Transportation who resides with the applicant in this State may sign the application.

(2) The following sponsors are listed in order of preference:

a. Father or mother of the minor if both parents are living together within this State and the minor resides with both parents.

b. Father of the minor, if the father is living within this State, and the minor resides with the father only; mother of the minor, if the mother is living within this State, and the

minor resides with the mother only; or father or mother, if the father or mother live within this State, and the minor resides with neither parent, and the minor has no legal guardian within this State;

c. Guardian, Division of Family Services case worker or court-ordered custodian of the minor, duly appointed, as such, under the laws of this State; or

d. Any suitable person acceptable to the Secretary of Transportation.

(3) The Department shall not require as a prerequisite to the issuance of a license to a minor under this section, that the father, mother, guardian, Division of Family Services case worker or court-ordered custodian who signs the minor's driver license application be present at the time the application is made by minor or sign the application at the offices of the Division of Motor Vehicle. The signing of the application and acknowledgment thereof, by the parent, guardian, Division of Family Services case worker or court-ordered custodian before a notary public or other person authorized to administer oaths shall be deemed sufficient to satisfy the requirements of this section. However, sponsors designated in paragraph (e)(2)d. of this section shall sign the minor's license application in the presence of a Division representative.

(4) The sponsor who signs the driver's license application on behalf of a minor has final authority to determine if the minor is capable of handling the responsibility of operating a motor vehicle and authority to designate who can supervise the minor driver per paragraph (c)(2) of this section. The sponsor who signed the application on behalf of the minor can withdraw their endorsement at any time until the minor reaches age 18, thereby canceling the minor's driving authority regardless of the type of permit or license held. If the court terminates the custody order and the minor subsequently resides with a parent in this State, then the parent may cancel the driving privileges of the minor under this section. To reinstate the canceled driving privileges, an approved sponsor must sign the application on behalf of the minor. When the minor turns 18, they can reinstate their previously held driving privileges without a sponsor's signature. The applicant can reinstate the driving privileges of a canceled license when they meet the license requirements and pay the appropriate license fee.

(5) It shall be unlawful for any person to sign the application of a minor under the provisions of this section when such application misstates the age of the minor or misrepresents the sponsor's relationship to the minor. Any person who violates this provision shall be guilty of a class B misdemeanor, and both the minor applicant and the sponsor's driving privileges shall be suspended for 2 months per § 2733(a)(5) of this title.

(6) It is unlawful for a sponsor to knowingly allow the holder of a Level 1 Learner's Permit to drive in violation of paragraph (c)(2) of this section. A sponsor who violates this provision is guilty of an unclassified misdemeanor.

(f) Out-of-state driver license transfer. -- A person who is at least 16 years old but less than 18 years old, who was a resident of another state and has a driver's license issued by that state, and who becomes a resident of this State may obtain Delaware driving authority under the following conditions:

(1) If the applicant was issued the out-of-state driver's license for less than 12 months, they are eligible to apply for a Level 1 Learner's Permit when meeting the requirements under subsection (b) of this section and successfully completing a driver education training program approved by the Delaware Department of Education.

(2) If the applicant was issued the out-of-state driver's license for over 12 months, and has successfully completed a driver education training program approved by the Delaware Department of Education, that applicant is eligible to apply for a Class D operator's license after meeting the requirements of subsection (e) of this section. Additionally, such a minor applicant must pass a written and road skills examination conducted by the Division.

(3) If the applicant holds an out-of-state driver's license and that applicant is over 18 years old, that applicant can apply for a Delaware Class D operator's license under §§ 2712 and 2713 of this title.

(g) Duration and fees. -- A Level 1 Learner's Permit expires 12 months after the date of issuance. If the applicant's learner's permit expires, the permit shall be void. The permit can be reissued when the applicant meets the permit requirements. The applicant must pay the \$25 Class D license fee at the time of initial application.

(h) It is unlawful for the holder of a Level 1 Learner's Permit to operate a motor vehicle in violation of the restrictions that apply to the Level 1 Learner's Permit. Failure to comply with these restrictions constitutes operating a motor vehicle without a license under § 2701(a) of this title.

(i) The Division shall not issue an operator's license or Level 1 Learner's Permit to a person who has not reached the person's 18th birthday at the time of the offense if the person has been adjudicated delinquent as a result of acts which would constitute such an offense if committed by an adult as set forth in § 2732(a) of this title.

(j) The Department may immediately suspend a minor's permit, license and/or driving privileges whenever the Department has reason to believe that such person is a reckless or negligent driver of a motor vehicle or has committed a serious moving traffic violation. The Secretary may promulgate policy regulations more stringent than those that apply to other drivers when suspending minors. The suspension period will be for 1 month for the first suspension and 3 months for subsequent suspensions under this subsection. No suspension under this section shall be used by a motor vehicle insurance company licensed to sell insurance in this State as a basis for canceling a policy of insurance or to raise the premium cost to the insured.

(k) Driver education learner's permit. -- The Division, upon receiving proper notice that a person is currently enrolled in a driver's education course and successfully completed the minimum class hours of actual driving experience and in-the-car observation as approved by the Department of Education, may issue a driver education learner's permit to such person after the person's 16th birthday, provided the person meets all other Division requirements. The Division may issue a driver education learner's permit to those minors who meet the requirements of this section and need supervised driving experience before completing the road skill test. The 5-year

driver license fee shall be collected at the time of the application. The permit is valid for 4 months. If for any reason whatsoever the applicant fails to pass the required examinations during the 4-month period granted by the permit, the permit shall be void and the driver license fee shall be forfeited. The application must be signed by the sponsor pursuant to subsection (e) of this section.

(1) Any person issued a driver education learner's permit pursuant to this subsection is entitled to drive a motor vehicle described in § 2702(d)(1) of this title upon the highways only when supervised by a properly licensed parent or guardian. If the parent(s) or guardian(s) is (are) not licensed to operate a motor vehicle or the permit holder is in the custody of the Department of Services for Children, Youth and their Families, the holder of the driver education learner's permit must be supervised by a licensed driver who is 25 years of age or older and have held a Class D drivers license for at least 5 years. The supervising driver must be seated beside the permit holder in the front seat of the vehicle when it is in motion. No person other than the supervising driver can be in the front seat.

(2) The driver education learner's permit must be in the possession of the permit holder.

(3) No passengers other than the adult supervisor and 1 or fewer other passengers can be in the vehicle. However, this passenger limit does not apply to members of the driver's immediate family.

(4) Driving experience obtained while holding this permit will be counted towards and in conjunction with the driving experience restrictions contained in subsection (c)(3) of this section.

(5) The permit holder shall not operate a motor vehicle while using a cellular telephone, text messenger, or substantially similar electronic device. This paragraph shall not apply if the permit holder has stopped the vehicle at a location off of the lanes of travel. Any permit holder found to be in violation of this paragraph is deemed to be operating the vehicle in a negligent manner and is subject to the penalties set forth in subsection (j) of this section.

36 Del. Laws, c. 10, § 56; 37 Del. Laws, c. 10, § 17; Code 1935, § 5594; 41 Del. Laws, c. 228, § 2; 44 Del. Laws, c. 192; 45 Del. Laws, c. 285; 21 Del. C. 1953, § 2708; 50 Del. Laws, c. 262, § 1; 53 Del. Laws, c. 221, § 20; 56 Del. Laws, c. 390, § 2; 58 Del. Laws, c. 511, § 44; 59 Del. Laws, c. 327, § 2; 62 Del. Laws, c. 156, § 1; 62 Del. Laws, c. 237, § 19; 64 Del. Laws, c. 355, § 1; 65 Del. Laws, c. 77, §§ 1, 2; 67 Del. Laws, c. 25, §§ 1, 2; 69 Del. Laws, c. 327, § 1; 70 Del. Laws, c. 186, § 1; 71 Del. Laws, c. 282, § 1; 72 Del. Laws, c. 344, §§ 1, 2; 72 Del. Laws, c. 477, §§ 1, 3, 4; 73 Del. Laws, c. 42, § 1; 74 Del. Laws, c. 110, §§ 56, 57; 74 Del. Laws, c. 324, § 1; 75 Del. Laws, c. 15, §§ 1, 2; 75 Del. Laws, c. 377, § 1-3; 76 Del. Laws, c. 76, § 21; 76 Del. Laws, c. 260, §§ 5, 6; 76 Del. Laws, c. 293, § 1; 76 Del. Laws, c. 415, §§ 1-5;